IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9631 of 2004

Between:

L.Vegeswar Rao, s/o late Rama Murthy,
r/o Quarter No.T.II-55, D.L.B.Housing Colony, Kailasapuram,
Visakhapatnam, Visakhapatnam District.

..... PETITIONER

AND

1. The Deputy Chairman & Disciplinary Authority, Visakhapatnam Dock . Labour Board, Visakhapatnam, Visakhapatnam District.

2. The Personnel Officer, Visakhapatnam Dock Labour Board, Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents in conducting departmental enquiry pursuant to proceedings No.P1/Dis/Emp/2003/845, dated 11-9-2003 issued by the 1st respondent, pending disposal of Criminal Proceedings in CC No.2 of 2004 on the file of Vth Metropolitan Magistrate, Visakhapatnam, Visakhapatnam District as arbitrary, illegal and unconstitutional and consequently direct the respondents not to conduct departmental proceedings against the petitioner till the completion of Trial in CC No.2 of 2004 on the file of Vth Metropolitan Magistrate, Visakhapatnam, Visakhapatnam District

Counsel for the Petitioner:MR.T.NAGARJUNA REDDY

Counsel for the Respondents : MR.P.SRI RAGHU RAM

The Court made the following :

ORDER:

The petitioner questions the actions of the respondents in conducting the departmental enquiry issued by the first respondent vide Proceedings No.P1/Dis/Emp/2003/845 dated 11-9-003 pending disposal of the criminal proceedings in C.C.No.2 of 2004 on the file of Vth Metropolitan Magistrate,Vishakapatnam.

There are three accused in C.C.No.2 of 2004 and the petitioner is accused No.3.The accused No.2 in the said C.C.2 of 2004 filed a similar writ petition in W.P.No.7874 of 2004 for a similar relief, not to conduct enquiry pending disposal of the said criminal proceedings. The similar contentions advanced in that W.P. have not been considered and negatived by my learned brother Sri Justice Goda Raghuram by order dated 29-6-2004. It is observed in the said order that the allegations in the Charge Memo do not involve complicated questions of law or fact. Therefore, no unusual circumstances exist to defeat the normal principal that departmental enquiry should not be conducted merely on the ground of simultaneous criminal proceedings are pending.

For the aforesaid reasons, I do not find any merits in this petition.

Accordingly the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

V.Eswaraiah, J.

28th July, 2004.

STP

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1 The Deputy Chairman & Disciplinary Authority, Visakhapatnam Dock Labour Board, Visakhapatnam, Visakhapatnam District.

2.The Personnel Officer, Visakhapatnam Dock Labour Board,
Visakhapatnam, Visakhapatnam District.

3. 2CD copies

THE HON'BLE MR JUSTICE V.ESWARAIAH

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28th July, 2004.